Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Poland*

I. Introduction

1. The Committee considered the initial report of Poland at its 409th and 410th meetings, held on 4 and 5 September 2018 (see CRPD/C/SR.409 and CRPD/C/SR.410), and adopted the present concluding observations at its 425th meeting, held on 18 September 2018.

2. The Committee welcomes the initial report of Poland, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/POL/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/POL/Q/1).

3. The Committee appreciates the constructive dialogue held with the large high-level delegation, which included delegates from various ministries, entities and institutions and provided further clarifications to the questions posed orally by the Committee.

II. Positive aspects

4. The Committee welcomes the progress achieved by the State party in implementing the Convention. In particular, it appreciates the adoption of the following legislative and policy measures:

(a) The Friendly Poland — Accessibility Plus programme for 2008–2018;

(b) The Electoral law of 2011, which enables persons with disabilities to vote and facilitates the voting procedures;

(c) The amendments to the Law on Higher Education of 2018, providing for support to persons with disabilities in the higher education system;

(d) The awareness-raising initiatives conducted by the mass media on the rights of persons with disabilities, with their active participation.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned at:

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

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(a) The lack of a comprehensive strategy and action plan for the implementation of the Convention and the lack of mainstreaming of its provisions into national, regional, local and sectoral policies, which still reflect a charity and social protection approach that regards persons with disabilities as social-care receivers rather than human rights holders;

(b) The variety of disability assessment mechanisms, including separate mechanisms for children until the age of 16 years, and the variety of definitions of disability, which are not consistent with the purpose (art. 1) of the Convention and are all based on a medical-model disability, using derogatory terminology and vague concepts such as "mental retardation", "incapacity to work", "inability to perform social roles" or "dependent or lacking ability to be autonomous";

(c) The lack of awareness of professionals and civil servants of the rights of persons with disabilities and the State party's obligations under the Convention;

(d) The selective and limited involvement of and meaningful consultations with organizations of persons with disabilities in policymaking;

(e) The legal provisions promoting prenatal genetic testing as primary prevention of future impairments of a fetus;

(f) The interpretative declaration made to article 12 and the reservations made to articles 23 (1) (a), 23 (1) (b) and 25 (a) of the Convention, and the fact that the State party has not yet ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party:**

(a) **Develop, with the wide participation of organizations of persons with disabilities, a strategy and action plan for the implementation of obligations under the Convention, ensuring a comprehensive paradigm shift from a charity model to the human-rights model of disability throughout its national, regional, local and sectoral policies, regarding persons with disabilities as human rights holders;**

(b) **Ensure a disability assessment that fully incorporates a human-rights model of disability and takes a human rights-based approach by, inter alia,**

(i) **Involving organizations of persons with disabilities in the design of disability assessment mechanisms;**

(ii) **Engaging persons with disabilities in generating the information on which disability assessments are made;**

(iii) **Eliminating multiple methods of assessment;**

(iv) **Making information on assessment requirements accessible and user-friendly;**

(c) **Eliminate all negative terminology in all existing and drafted regulations and replace it with terminology that fully respects the dignity and autonomy of persons with disabilities;**

(d) **Ensure active and full-scale involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to those representing women, children, refugees and asylum seekers, lesbian, gay, bisexual and transgender plus persons, persons with psychosocial and/or intellectual disabilities, those with hearing or visual impairments, persons living in rural areas and persons in need of high level of support, when designing new laws and strategies to ensure that legislation complies with the Convention, and also in the implementation and monitoring of and reporting on the Sustainable Development Goals;**

(e) **Provide training to professionals, including judges and law enforcement officials, health-care professionals, teachers and personnel working with persons with disabilities to raise their awareness of the rights under the Convention;**

(f) **Refrain from including information on primary disability prevention in future reports, given that primary prevention of impairment is not a measure contributing to the implementation of the Convention;**

(g) **Consider withdrawing its interpretative declaration and its reservations to the Convention, and ratify the Optional Protocol to the Convention.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

7. The Committee is concerned at the absence of:

(a) A clear definition of reasonable accommodation and of the obligation to provide it to all persons with disabilities in all spheres of life, and of recognition of denial of reasonable accommodation as a form of disability-based discrimination;

(b) Recognition of multiple and intersectional discrimination in anti-discrimination legislation, and the prohibition of discrimination against all persons with disabilities on grounds such as sex, age, ethnicity, sexual orientation and gender identity in all areas of life;

(c) Effective mechanisms to prevent and protect persons with disabilities against discrimination and violation of their right to equal treatment;

(d) Awareness of the State and public actors, and of persons with disabilities themselves, about the right of persons with disabilities to equality and non-discrimination, including to accessible legal information and legal counselling.

8. **Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:**

(a) **Enact legislation that defines and recognizes reasonable accommodation in all areas of life, and that sanctions its denial as a form of disability-based discrimination;**

(b) **Explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity or sexual orientation, and any other status in all areas of life within its anti-discrimination legislation, policies and strategies, including the Equality Act;**

(c) **Establish judicial and quasi-judicial mechanisms to ensure the protection of persons with disabilities against discrimination and its prevention, including comprehensive redress;**

(d) **Take effective measures to provide continuous training and awareness-raising for civil servants and non-State actors, including persons with disabilities themselves about the rights of persons with disabilities to equality and non-discrimination, and also to accessible legal information and free legal counselling.**

Women with disabilities (art. 6)

9. The Committee is concerned that women with disabilities, although at the highest risk of gender-based violence, including sexual violence, domestic and institutional violence:

(a) Are inadequately protected from violence because of gaps in the legal framework on violence and disability;

(b) Lack an effective system to fight violence, owing also to ineffective investigations in cases of violence and lack of support when they are subjected to it;

(c) Experience significant barriers to exercising their sexual and reproductive rights, including access to related education, contraception information and services, and to making decisions about their sexual and reproductive health;

(d) Remain invisible in gender and disability policies, in policymaking, data collection and research, and generally in legislation and policies.

10. **Recalling its general comment No. 3 (2016) on women and girls with disabilities, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Committee urges the State party:**

(a) **To recognize women and girls with disabilities as rights holders, to adopt a comprehensive strategy to prevent and eliminate all forms of violence against women and girls with disabilities in all settings, including home and institutions, and to enact legislation that ensures their protection against violence, the prosecution of perpetrators and the provision of redress to victims;**

(b) **To develop a strategy to prevent and combat violence against women and girls with disabilities in all settings, to introduce disability-specific indicators in the Blue Card procedure implemented by the police in cases of domestic violence, and to ensure the development of accessible quality services for women and girls with disabilities victims of gender-based violence;**

(c) **To recognize the sexual and reproductive health and rights of women and girls with disabilities, and to provide them with inclusive services to help them to care for their children, to support their decision-making on matters relating to their sexual and reproductive health, contraception and sexual education for women with disabilities, in accordance with the revised International Technical Guidance on Sexuality Education (2018) of the United Nations Educational, Scientific and Cultural Organization;**

(d) **To mainstream the rights of women and girls with disabilities in gender equality and disability agendas, to collect disaggregated data and to carry out participatory research on the social condition of women and girls with disabilities throughout the State party, and to systematically consult with and include them in policymaking through their representative organizations.**

Children with disabilities (art. 7)

11. The Committee is concerned about:

(a) The institutionalization of children with disabilities in social care homes, including of those held together with adults;

(b) Attitudes according to which children with disabilities are reliant on others, and the lack of opportunities for such children to express their opinions on matters pertaining directly to them;

(c) The lack of disaggregated data on children with disabilities.

12. **The Committee recommends the State party:**

(a) **To expedite the deinstitutionalization of children with disabilities by providing them with safe alternative care in family settings and inclusive services in the community;**

(b) **To take effective measures to support the empowerment of children with disabilities, and to create platforms for them so that they may express their own views on all matters that concern them;**

(c) **To collect disaggregated data and to conduct participatory research on the social condition of all children with disabilities.**

Awareness-raising (art. 8)

13. The Committee is concerned about:

(a) The negative perceptions of disability as an "undesirable condition" and of persons with disabilities as being "of less value" than others;

(b) The fact that persons with disabilities are not recognized as rights holders in society;

(c) The lack of measures taken to raise awareness of the rights of persons with disabilities as contained in the Convention.

14. **The Committee recommends that the State party:**

(a) **Take specific measures to foster respect for the rights and dignity of persons with disabilities in parents and the general public, including the public and private media, medical personnel, education personnel, employers, and promote a positive image of persons with disabilities as human rights holders;**

(b) **Involve organizations of persons with disabilities when developing and delivering nationwide campaigns, awareness-raising programmes or training on the human rights model of disability, and ensure systematic State-funded awareness-raising programmes.**

Accessibility (art. 9)

15. The Committee is concerned about:

(a) The insufficient accessibility to buildings and public services, such as transportation, information and communications services, for all persons with disabilities, especially in smaller urban or rural municipalities;

(b) The insufficient number of regulations providing for standards and obligations to implement the principles of universal design to buildings and public services, including regulations covering municipal housing construction, accessibility of automatic teller machines and other self-service devices; it is also concerned that the Construction Law of 1995 contains few obligations to ensure accessibility for all persons with disabilities;

(c) The insufficient number of mechanisms to monitor the implementation of accessibility regulations and standards, and of sanctions for non-compliance with accessibility requirements;

(d) Insufficient training on accessibility and universal design in the curricula of architectural, design and computer studies, including for the staff of responsible institutions.

16. **With reference to the Committee's general comment No. 2 (2014) on accessibility and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take all measures to ensure accessibility in all areas, including buildings and public services, such as transportation, information and communications services, throughout the State party;**

(b) **Update and enact regulations providing for standards and obligations to implement standards of universal design for products, the environment, transportation, information and communications services, automatic teller machines and other self-service devices, and municipal housing to be used by all persons with disabilities throughout the State party, including buildings built before 1995;**

(c) **Include the requirement for accessibility through universal design in the Public Procurement Law;**

(d) **Establish monitoring mechanisms that involve organizations of persons with disabilities to ensure that accessibility standards are respected in all determined areas, including in public investment projects, in addition to relevant sanctions for non-compliance with accessibility standards;**

(e) **Foster mandatory training courses on accessibility and universal design in the curricula of architectural, design and computer studies, including for the staff of responsible institutions, including capacity-building of the local authorities responsible for monitoring the implementation of accessibility standards.**

Situations of risk and humanitarian emergencies (art. 11)

17. The Committee is concerned that legislation, protocols and plans relating to situations of risk and humanitarian emergencies do not sufficiently include the specific requirements of persons with disabilities.

18. **The Committee recommends that the State party, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030, through active consultations with representative organizations of persons with disabilities, design and adopt specific regulations, plans and measures for the protection and rescue of all persons with disabilities in situations of risk or in humanitarian emergencies.**

Equal recognition before the law (art. 12)

19. The Committee is concerned about the State party's interpretative declaration on article 12 and the provisions of the Civil Code allowing for the deprivation of legal capacity of a person with psychosocial and/or intellectual disability and the assignment of a guardian or "curator" to make decisions on the said person's behalf, and also about the large and growing number of persons with disabilities deprived of their legal capacity.

20. **The Committee calls upon the State party to withdraw its interpretative declaration on article 12 of the Convention and, recalling its general comment No. 1 (2014) on equal recognition before the law, to repeal all discriminatory provisions under the Civil Code and other legal acts allowing for the deprivation of legal capacity of persons with disabilities, given that legal capacity includes the capacity to be both a holder of rights and having the capacity to perform legal acts, as it is defined in legislation. It also recommends that the State party establish a procedure aimed at restoring the full legal capacity of all persons with disabilities, and develop supported decision-making mechanisms that respect their autonomy, will and preferences.**

Access to justice (art. 13)

21. *The Committee is concerned that persons with psychosocial or intellectual disabilities deprived of their legal capacity are denied the right to take part in litigation and to stand as witnesses in procedures before civil courts. It is also concerned about the barriers that persons with disabilities in general face in their access to justice owing to a lack of:*

(a) Procedural accommodation, and also the use of sign language, Braille, accessible digital formats, easy-to-read and all other accessible means, modes and formats of communication in legal proceedings;

(b) Accessibility to justice buildings, courts and tribunals and police stations, in the case of persons with physical disabilities;

(c) Human rights-based knowledge of the justice system and law enforcement personnel on the rights of persons with disabilities;

(d) Access to mechanisms to report violence, such as the lack of access to justice for children with intellectual disabilities, women with disabilities or those living in institutions;

(e) Legal assistance for persons with disabilities, including legal assistance and procedural accommodation for persons with psychosocial disabilities;

(f) Access to legal professions for persons with disabilities on the presumption that they are "unfit" for them.

22. **The Committee recommends that the State party guarantee persons with intellectual and/or psychosocial disabilities deprived of their legal capacity equal and supported access to all judicial processes. It also recommends that the State party ensure that persons with disabilities have access to justice in practice, and in particular:**

(a) Ensure procedural accommodation, as well as the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication in all legal proceedings;

(b) Take measures to ensure that justice buildings, courts and tribunals, and police stations, are accessible for persons with physical disabilities;

(c) Provide regular training to law enforcement and judicial officers about the rights of all persons with disabilities and the obligations of the State party under the Convention;

(d) Ensure that persons with disabilities have access to effective mechanisms to report violence, including crimes on the grounds of hatred, and that children with intellectual disabilities, women with disabilities or those living in institutions have access to justice;

(e) Ensure universal and free legal assistance for persons with disabilities, particularly those with a low income, and legal assistance and procedural accommodation for persons with psychosocial disabilities;

(f) Take measures to ensure that any persons with disabilities may practise a legal profession is they choose to do so, and ensure reasonable accommodation for that purpose;

(g) Follow the guidance of article 13 of the Convention in the implementation of target 16.3 of the Sustainable Development Goals.

Liberty and security of the person (art. 14)

23. The Committee is concerned about:

(a) The Mental Health Protection Act allowing for involuntary treatment of persons with disabilities and the involuntary deprivation of liberty on the grounds of their psychosocial disability, including the placement of such persons in institutions by their guardians being considered voluntary;

(b) The limitations on the personal liberty of persons with disabilities living in social-care institutions;

(c) The lack of independent monitoring of public and private care and mental-health facilities;

(d) The lack of reasonable accommodation and access to health care for persons with disabilities in penitentiaries.

24. The Committee recommends that the State party:

(a) Repeal all legal provisions allowing for the involuntary treatment of persons with disabilities and their placement in institutions on the grounds of psychosocial disability;

(b) Abolish the limitation of personal liberty of persons living in social-care institutions;

(c) Develop recovery-oriented and community-based rehabilitation services for persons with psychosocial disabilities;

(d) Develop monitoring mechanisms for public and private care and mental-health facilities;

(e) Ensure reasonable accommodation and access to quality health care for all persons with disabilities in penitentiaries.

25. **The Committee commends the State party for opposing the ratification of the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), and encourages it to raise its concerns and disapproval throughout the regional discussions concerning an additional protocol to that Convention.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

26. The Committee is concerned about the lack of:

(a) Data on persons with disabilities in places of detention and on their needs with regard to their disabilities;

(b) Legal obligations for reasonable accommodation, and therapeutic and rehabilitation support, necessary medical treatment and lack of capacity of personnel in places of detention, leading to degrading conditions for persons with disabilities, such as overcrowded wards, coercion and overmedication.

27. **The Committee recommends that the State party:**

(a) **Collect data on persons with disabilities in detention and conduct research on their situation and needs;**

(b) **Enact legal obligations and allocate relevant funding for reasonable accommodation, as well as therapeutic and rehabilitation support, necessary medical treatment and mandatory capacity-building training of personnel in places of detention, explicitly defining and prohibiting the degrading treatment of persons with disabilities.**

Freedom from exploitation, violence and abuse (art. 16)

28. The Committee is concerned about:

(a) Accounts of violence against and abuse of persons with disabilities in care and psychiatric institutions, especially of women with intellectual disabilities;

(b) The underreporting of violence against persons with disabilities in all settings and the lack of disaggregated statistics on violence against them;

(c) The lack of specific protection measures, such as legal or psychosocial assistance for women with disabilities at risk of domestic or institutional violence or violence in public spaces or at work.

29. **The Committee recommends that the State party:**

(a) **Take legislative and practical measures, including independent human rights-based monitoring, to protect persons with disabilities who remain institutionalized and to eliminate any risk of violence or abuse;**

(b) **Develop mechanisms for reporting violence against persons with disabilities in all settings, and to ensure disaggregated data collection on this issue;**

(c) **Develop legal obligations and specific measures for the protection of persons with disabilities victims of violence, such as accessible communication hotlines and services for their psychological and physical recovery, especially for women with disabilities.**

Protecting the integrity of the person (art. 17)

30. The Committee is concerned about the reported forced sterilization of women and girls with disabilities, deprived of their legal capacity, placed under guardianship and living in institutions. It is also concerned at reports of so-called "conversion therapy" being conducted by public and private health entities on lesbian, gay, bisexual and transgender plus persons without their consent, and based upon the presumed psychosocial impairment of the person.

31. **The Committee recommends that the State party ensure that women and girls with disabilities have access to support when they make important life decisions for themselves and are not subjected to sterilization without their full, free and informed consent. It urges the State party to put an end to the use of conversion therapy and to offer support for persons with a psychosocial disability that respects the gender identity and sexual orientation of the persons concerned.**

Living independently and being included in the community (art. 19)

32. The Committee is concerned about:

(a) The critical stagnation in and absence of determination in the process of deinstitutionalization of persons with disabilities and their transition to independent living in community ensuring the right of such persons to choose where, with whom and how to live outside institutions and group homes, including the absence of a strategy and action plan and targeted funding for the deinstitutionalization process after the termination of European Union funds allocated to this purpose;

(b) The lack of access to community-based services, especially in villages, and the continuation of sheltered housing programmes, such as the establishment of group homes, which are inconsistent with article 19 of the Convention and elaborated by the Committee in its general comment No. 5 (2017) on living independently and being included in the community;

(c) Personal assistance services that are project-based, non-systemic and limited in budget, duration and territorial availability;

(d) The spending of European Union funds allocated to deinstitutionalization on measures that are not consistent with the Convention, as elaborated by the Committee in its general comment No. 5, and the lack of monitoring of how the said funds are used;

(e) The incorrect translation of the term "community" as "society" in the Polish-language version of the Convention.

33. **With reference to general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:**

(a) **Design and adopt concrete action plans for deinstitutionalization and time-bound transition to independent living schemes for persons with disabilities within the community, and ensure that adequate funding is allocated to this process after the termination of European Union funds allocated specifically to this purpose;**

(b) **Adopt legal frameworks and allocate a sustainable budget for providing persons with disabilities with personal assistance within the framework of individualized and inclusive support arrangements;**

(c) **Ensure the spending of European Union funds allocated to deinstitutionalization on measures that are consistent with the provisions of the Convention, and that such spending is monitored, with the effective participation of persons with disabilities and/or their representative organizations, to ensure that such spending is in line with the requirements of persons with disabilities themselves;**

(d) **Ensure that the term "community" is translated correctly in the Polish-language version of the Convention.**

Personal mobility (art. 20)

34. The Committee is concerned about:

(a) Barriers that persons with disabilities face when applying for a driving license owing to the lack of accommodation, such as sign language interpretation, at examinations;

(b) The lack of support for persons with disabilities when purchasing adapted vehicles and means of transportation;

(c) Undue restrictions imposed on blind persons using a guide dog when gaining access to public buildings, transport or services for persons with disabilities.

35. **The Committee recommends that the State party ensure:**

(a) **The full availability of accommodation measures for persons with disabilities at driving examination centres;**

(b) **Relevant support for persons with disabilities when purchasing adapted vehicles and means of transportation, or for adding adaptive equipment to a vehicle;**

(c) **Accessibility of buildings, transport and services open to the public for blind persons using a guide dog.**

Freedom of expression and opinion, and access to information (art. 21)

36. The Committee is concerned about the lack of:

(a) Promotion of Braille or of augmentative and alternative modes of communication, such as Easy Read;

(b) Accessibility of public e-services for persons with disabilities;

(c) Effective implementation of the Act on Sign Language and Other Means of Communication owing to its narrow scope, lack of clarity and obligations for public and private service providers to make sign language interpretation available, in particular in health-care services;

(d) A clear obligation in the Broadcasting Act with regard to the use of sign language interpretation, subtitles and audio description in television and radio programmes.

37. The Committee is also concerned by formal requirements in the Copyright Act that hinder the use of sign language.

38. **The Committee recommends that the State party:**

(a) **Develop the use of Braille, augmentative and alternative modes of communication and Easy Read across all sectors;**

(b) **Expedite the adaptation of websites of public institutions to ensure accessibility of all persons with disabilities, and conduct regular monitoring thereof;**

(c) **Update and give effect to the Act on Sign Language and Other Means of Communication to ensure effective implementation of the rights of deaf persons, including access to sign language interpretation in all sectors at the expense of the State;**

(d) **Include in the Broadcasting Act clear and progressive obligations for public and private broadcasters with regard to the use of sign language interpretation, subtitles and audio description, and amend the Copyright Act to ensure unrestricted access to interpretation in sign language for all broadcasts.**

Respect for home and the family (art. 23)

39. The Committee is concerned about the reservation by the State party to article 23 (1) (a) of the Convention, and also by:

(a) The practice of removing children from parents with disabilities on the grounds that the family is incapable of providing care for them;

(b) The prohibition to marry for persons deprived of their legal capacity and for persons with psychosocial and/or intellectual disabilities or with cerebral palsy, based on the consideration that disability is an aggravating factor for marriage and children; and also the prohibition for deaf persons to obtain custody of children by adoption.

40. **The Committee recommends that the State party withdraw its reservation to article 23 (1) (a) and (b) of the Convention and abolish all legal provisions prohibiting persons with disabilities from marrying and from founding a family. The Committee also recommends that the State party develop inclusive support systems to assist families with children with disabilities and parents with disabilities, to support their parenthood.**

Education (art. 24)

41. The Committee is concerned about:

(a) The lack of specific provisions to support the implementation of inclusive education, and the confusion between the terms "integration" and "inclusion";

(b) The fact that the majority of students with disabilities, particularly with moderate and severe disabilities, are educated in segregated education settings;

(c) The lack of awareness about inclusive education among school masters and parents of non-disabled children, and the lack of adequate training of teachers about inclusive education.

42. **Recalling its general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, targets 4.5 and 4 (a), the Committee recommends that the State party:**

(a) **Enact specific provisions to support the implementation of reasonable accommodation, individualized learning curriculum and inclusive classroom teaching in accessible learning environments;**

(b) **Support measures for schools, including support for teachers, to advance inclusive education for students with moderate or severe disabilities;**

(c) **Raise awareness among parents of non-disabled children about the advantages of inclusive education for all, and provide training for school masters and teachers on inclusive education methods and best practices.**

Health (art. 25)

43. The Committee is deeply concerned about the State party's reservation to article 25 (a) of the Convention and by:

(a) The lack of health services accessible to persons with disabilities, in particular in rural areas, including the lack of sign language interpretation;

(b) The lack of information on health care and of health-care services tailored to the requirements of women with disabilities, in particular those of blind women or women with psychosocial or intellectual disabilities, and also the lack of adapted health-care equipment, adequate sexual and reproductive health services and gynaecological rooms equipped for them;

(c) The lack of affordable high-quality health-care products, and the unequal access to such products among persons with disabilities with similar needs;

(d) The lack of awareness and willingness of health-care personnel to provide health-related services to women with disabilities;

(e) The barriers faced by women with disabilities when they seek to gain access to services for safe abortion, owing to the lack of information available on and services relating to their sexual and reproductive health rights;

(f) The implementation of the National Mental Health Programme, which fails to address the services required by persons with psychosocial disabilities.

44. **The Committee recommends that the State party withdraw its reservation to article 25 (a) of the Convention, and that it:**

(a) **Ensure access to health services by all persons with disabilities, and the availability of such services, regardless of the type of impairment;**

(b) **Take measures to ensure universal coverage of health services for all women and girls with disabilities, including by providing information in accessible formats on their sexual and reproductive health and rights, gynaecological services, perinatal care and adapted health-care equipment, such as gynaecological rooms;**

(c) **Take measures to ensure that persons with disabilities have access to high-quality health-care products at an affordable price, and to eliminate the differences in health-care coverage for different groups of persons with disabilities;**

(d) **Conduct training to ensure that health-care practitioners are aware of the rights of persons with disabilities, particularly women with disabilities, under the Convention;**

(e) **Take the measures necessary to ensure that the autonomy and decisions of women with disabilities are respected, that women's rights in relation to reproductive health are secured, that access to safe abortion is provided, and that women with disabilities are protected from forced sterilization and forced abortion;**

(f) **Ensure that the implementation of the National Mental Health Programme results in increasing access to community-based health services for persons with psychosocial disabilities, and provide adequate resources to these services.**

Habilitation and rehabilitation (art. 26)

45. The Committee is concerned about:

(a) The lack of accessibility of rehabilitation schemes for all persons with disabilities, especially for persons with psychosocial or intellectual disabilities, and also the income criteria for eligibility for rehabilitation services, which put an undue financial burden on persons with disabilities;

(b) Project- and medical-based rehabilitation schemes, and their lack of financial sustainability;

(c) The lack of monitoring of the administration of rehabilitation programmes;

(d) The incomplete official translation of the title of the present article as "Rehabilitation".

46. **Taking into account the links between article 26 of the Convention and target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure the accessibility and continuity of the habilitation and rehabilitation programmes for all persons with disabilities, in particular for persons with psychosocial or intellectual disabilities, and eliminate financial criteria for eligibility for rehabilitation;**

(b) **Provide for inclusive and individualized needs-based rehabilitation schemes for persons with disabilities within a wide range of community-based services;**

(c) **Develop a monitoring mechanism for rehabilitation programmes;**

(d) ***Rectify* the title of the present article to read "Habilitation and rehabilitation" in the Polish-language version of the Convention.**

Work and employment (art. 27)

47. The Committee is concerned about:

(a) The low rate of employment of persons with disabilities, and the barriers that women with disabilities face when they seek to enter the open labour market and, as a consequence, their smaller income than others, particularly in rural areas;

(b) The promotion of sheltered workshops and the offer of low status jobs for persons with disabilities, which hinders access to the open labour market, in particular for women, and the lack of specific incentives for employers to hire persons with disabilities in the open labour market, especially persons with severe disabilities;

(c) The failure to reach the employment quota of 6 per cent for persons with disabilities, especially in the public administration sector;

(d) The lack of availability of labour market activation programmes and of job offers for persons with disabilities.

48. **The Committee recommends that the State party develop legislation and measures for the employment of persons with disabilities in the open labour market, and that it in particular:**

(a) **Promote the work and employment of women with disabilities, and ensure equal income, particularly in rural areas;**

(b) **Promote decent work for persons with disabilities, particularly women with disabilities, in public and private sectors and provide specific incentives and support for reasonable accommodation, including individual assistance for employing persons with a wide range of disabilities;**

(c) **Ensure that the employment quota of 6 per cent for persons with disabilities is reached in all sectors, in particular in the public administration sector;**

(d) **Ensure that open labour market activation programmes effectively include all persons with disabilities.**

Adequate standard of living and social protection (art. 28)

49. The Committee is concerned about:

(a) The high poverty rate of persons with disabilities, particularly women with disabilities, and the growing inequality between households with persons with disabilities and those without;

(b) The benefit dependency trap that forces persons with disabilities and their associates to choose between professional work and allowances, which consequently condemns persons with disabilities, particularly women with disabilities, to poverty and social exclusion;

(c) The lack of disaggregated data on poverty of persons with disabilities and of monitoring of the effectiveness of social security mechanisms designed to combat poverty;

(d) The lack of specific measures taken to ensure accessibility of housing for persons with disabilities.

50. **Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Emphasize the rights of persons with disabilities, particularly of women with disabilities, and mainstream them into the national strategy for reducing poverty with concrete measures and relevant budget;**

(b) **Ensure that the employment of persons with disabilities does not make them ineligible for disability-related protection schemes, such as disability allowances;**

(c) **Collect disaggregated data on the poverty of persons with disabilities, and monitor the effectiveness of social security mechanisms designed to combat poverty;**

(d) **Ensure specific measures to ensure access to housing for persons with disabilities;**

(e) **Ensure that the term "public housing" is translated correctly in the Polish-language version of the Convention.**

Participation in political and public life (art. 29)

51. The Committee is concerned about:

(a) Article 62 (2) of the Constitution, which denies persons deprived of legal capacity of the right to vote or participate in a referendum, and other legislation, such as the

Law on Associations, which does not allow persons deprived of legal capacity to found an association, to be a member of one, or to organize public assemblies;

(b) The amendment made to the electoral law in 2018, which limits voting procedures by correspondence, and therefore the accessibility of voting procedures for persons with disabilities;

(c) Polling stations that are still inaccessible, and the lack of measures to allow independent and secret voting by persons with severe hand paresis, and lack of support to vote for deaf persons.

52. **The Committee recommends that the State party:**

(a) **Repeal all provisions that deny persons with psychosocial or intellectual disabilities and persons deprived of legal capacity their right to vote and all other political rights;**

(b) **Replace the amendment to the electoral law of 2018, and ensure the accessibility of voting procedures for all persons with disabilities;**

(c) **Ensure the accessibility of all polling stations and election procedures for all persons with disabilities, including by taking measures to allow independent and secret voting by persons with severe hand paresis, and provide support for deaf persons to vote.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

53. The Committee is concerned about the lack of:

(a) Data on persons with disabilities, including at local level;

(b) A national database on persons with disabilities, and therefore of information necessary to implement the Convention.

54. **Bearing in mind target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop systematic data-collection and reporting procedures in accordance with the provisions of the Convention, and take into account the Washington Group Short Set of Questions on Disability;**

(b) **Collect, analyse and disseminate disaggregated data in accordance with article 31 of the Convention;**

(c) **Ensure the involvement of organizations of person with disabilities in data collection, including in the development of the methodologies of data collection and in the data analysis process.**

National implementation and monitoring (art. 33)

55. The Committee is concerned about the lack of:

(a) Technical capacity of focal points designated to implement the Convention on the human rights model of disability; the Committee is also concerned about the paternalistic approach taken by focal points when carrying out their functions;

(b) A legal basis and the decrease in funding for the Human Rights Defender, designated as the independent authority responsible for the promotion, protection and monitoring of the implementation of the Convention and its provisions;

(c) Meaningful involvement of representative organizations of persons with disabilities in the monitoring of the implementation of the Convention.

56. **The Committee recommends that the State party:**

(a) **Designate a cross-sectoral authority to coordinate and lead the mainstreaming and implementation of the rights of persons with disabilities in all sectors and at all levels;**

(b) **Strengthen the capacity of the Office of the Commissioner for Human Rights as the independent authority responsible for the promotion, protection and monitoring of the implementation of the Convention, in providing it with adequate legal bases and allocating it sufficient resources and funding to allow it to discharge its mandate effectively and independently;**

(c) **Ensure the comprehensive and effective involvement of organizations of persons with disabilities in monitoring tasks under the Convention, and provide them with the funding necessary for that purpose.**

IV. Follow-up

Dissemination of information

57. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations, and draws the attention of the State party in particular to the recommendations falling under articles 6 (women with disabilities) and 19 (living independently and being included in the community) of the Convention, on which urgent measures must be taken.**

58. **The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

59. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

60. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats including Easy Read, and to make them available on the government website on human rights.**

Next periodic report

61. **The Committee requests the State party to submit its combined second to fourth periodic reports by 25 September 2026, and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**